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THE LAW

RELATING TO

THE ALABAMA INSANE HOSPITALS.

The following Law that incorporated "The Alabama Insane Hospitals," was enacted by The General Assembly in the session 1900--'01:

(1.) The institution for the care and treatment of insane persons, already located in the County of Tuscaloosa and near the City of Tuscaloosa, heretofore known as The Alabama Bryce Insane Hospital, shall be styled "The Bryce Hospital"; and the property known as the Mount Vernon Barracks Military Reservation, situated in the County of Mobile, together with all the buildings and other improvements thereon, granted to the State of Alabama by an Act of Congress of the United States, approved March 1st, 1895, and conveyed to the State of Alabama by a deed executed by Daniel S. Lamont, Secretary of War, dated March 13th, 1895, "to be held and used for public purposes" is hereby set apart for the use of the insane of the State, under the name of "The Mount Vernon Hospital."

(2.) The Board of seven Trustees, now in control of the "Alabama Bryce Insane Hospital," at Tuscaloosa, shall have possession, control, and management of "The Bryce Hospital," at Tuscaloosa, and of "The Mount Vernon Hospital," at Mount Vernon, and of such other property as shall from time to time be placed under their care by the General Assembly of Alabama or otherwise; and said Board of Trustees and their successors in office are constituted a body corporate under the name of "THE ALABAMA INSANE HOSPITALS;" and by that name may sue and be sued; may contract and be bound; may have, possess, and enjoy real and personal property and have perpetual succession; and may have and use a common seal and break or alter the same at pleasure; and have all the powers incident to corporations of such nature; and suits ~~there~~ against said corporation shall be brought only in the appropriate courts of Tuscaloosa County or of Mobile County; and all contracts

or obligations now existing, in which The Alabama Bryce Insane Hospital is interested, shall continue under the new corporation.

(3.) The length of the terms of office of the members of said Board of Trustees is hereby changed from six to seven years, and the present arrangement, by which the terms of certain members expire differently after periods of two years, is changed so that the term of one Trustee shall expire every year on the 30th day of September. The terms of the seven Trustees who constitute the present Board, are hereby arranged so that the term of J. B. Gaston, of Montgomery, shall expire on the 30th day of September, 1901; that of S. W. John, of Birmingham, on the 30th day of September, 1902; that of W. G. Somerville, of Tuscaloosa, on the 30th day of September, 1903; that of R. T. Simpson, of Florence, on the 30th day of September, 1904; that of J. M. Foster, of Tuscaloosa, on the 30th day of September, 1905; that of J. L. Williamson, of Tuscaloosa, on the 30th day of September, 1906; and that of E. M. Robinson, of Mobile, on the 30th day of September, 1907.

(4.) Hereafter, as the terms of the different Trustees expire, the Board of Trustees shall elect persons to fill the vacancies whose terms shall be seven years each, to date from the expiration of the preceding term; and when the office of any Trustee is vacated by death, resignation, removal from the State, or otherwise, the Board shall elect a person to fill the vacancy for the unexpired remainder of the term.

(5.) In filling the vacancies as they occur hereafter, the Board shall so arrange their elections that at least four of the Board shall be practitioners of medicine; and so that three of the Board shall reside near the Hospital at Tuscaloosa, and two convenient to the Hospital at Mount Vernon, who shall constitute respectively Resident Committees, to manage, between the meetings of the Board, such affairs of the respective Hospitals as are committed to them by this Act, and by the Board. The other two members of the Board shall be elected from other parts of the State.

(6.) The Trustees shall receive no compensation for their services other than the amounts of their traveling expenses, actually paid out while attending the meetings of the Board, or while on other business of the Hospitals to which they have been appointed by the Board.

(7.) The Senate of the State of Alabama shall at each session confirm or disaffirm the election of such Trustees of "The Alabama Insane Hospitals" as have been chosen since the last session of the General Assembly, and in case of the disaffirmance of the election of any Trustee, the Senate shall declare his office vacant, and elect a person to fill the place

for the balance of the unexpired term. The printed report of the Board of Trustees to the Governor, hereinafter mentioned, shall contain a list of the members of the Board, with their residences; and it shall be the duty of the Governor to submit to the Senate for their consideration the names of such Trustees as have been elected since the preceding meeting of the Senate, as above provided.

(8.) The Board of Trustees shall determine the time when the fiscal year of the Hospitals shall end, and, as near after that time as is practicable, they shall hold an annual meeting at the Hospital at Tuscaloosa, which meeting shall embrace at least two days, when the Board shall review and investigate the affairs of the Hospitals, and shall prepare and transmit to the Governor a full report of the wants, interests, condition, receipts and expenditures of the Hospitals, for the preceding fiscal year. On the year when the biennial session of the General Assembly of the State is held, the Board of Trustees shall make their report to the Governor to cover the two preceding fiscal years, and the Governor shall have printed at the expense of the State, a sufficient number of copies of this biennial report of the Trustees to distribute among the members of the General Assembly, and to send one thousand copies to the Hospital at Tuscaloosa, to be distributed as the Superintendent directs.

(9.) The Board of Trustees shall elect a President and other officers, and adopt rules for their own government and for the government of the Resident Committees. They shall cause to be prepared a Book of Rules or service manual, for the government and instruction of the employes of the Hospitals.

(10.) The Board of Trustees shall hold such meetings at either Hospital, or other place in the State, as the interests of the Institutions demand. Four members shall constitute a quorum for business. The President, or any three members, can call a meeting at any time or place, provided the call is issued to all the members of the Board at least two weeks in advance of the meeting, and the objects of the meeting are set forth in the call.

(11.) For the immediate government and control of the said Hospitals, the Board of Trustees shall elect a Superintendent and determine his salary; who in all his duties shall be the executive officer of the Board, and be held strictly accountable to them. Said Superintendent shall be a physician of good business habits, of a humane disposition, a graduate in medicine, and a man of good moral character. He shall be elected for a term of not less than eight years, and when his term has expired, shall continue in office until his successor is appointed and qualified. The Superin-

tendent may be removed from office by the Board of Trustees for just cause fully declared and set forth in their proceedings.

(12.) Said Superintendent shall appoint all the assistant physicians, stewards, managers, supervisors, nurses, and other employes who serve under him in the Hospitals; he shall have the power to remove any one of them from the employ of the Hospitals at his discretion; and with the concurrence of the respective Resident Committees, he shall determine all the salaries, wages, and other compensations to be paid said officers and employes; but said salaries, wages, and compensations shall be subject to the approval or disapproval of the Board of Trustees at any regular meeting, and in cases of disapproval, the Board of Trustees shall determine what the salary, wages, or compensation shall be.

(13.) The Superintendent shall appoint a Steward, who, under his direction, shall attend to all the immediate financial matters of the Hospitals; shall make purchases and sales; and shall keep an account of the receipts and expenditures. He shall give bond for the faithful performance of his duties in an amount to be determined by the Board, which bond shall be approved by the Resident Committee at Tuscaloosa. He shall make drafts upon the Treasurer of the Hospitals, when approved by the Superintendent, for current expenses; and shall attend to any other duties assigned him by the Superintendent.

(14.) The Board of Trustees shall elect a suitable person, not a Trustee, as Treasurer of "The Alabama Insane Hospitals," who shall reside in Tuscaloosa, whose term of office and salary shall be determined by the Board, and who shall give a good and sufficient bond the amount of which shall be determined by the Board, and said bond shall be approved by the Resident Committee at Tuscaloosa. He shall pay the drafts made upon him by the Steward when approved by the Superintendent, and at the proper time shall make drafts upon the Treasurer of the State for the amounts due "The Alabama Insane Hospitals," which drafts shall be countersigned by the Superintendent. He may be removed from office at any time by the Board of Trustees, and his books and accounts shall be always open to the inspection of any one of the Trustees.

(15.) Access to the wards or other departments of the Hospitals or to the books or records shall be granted to any one of the Trustees at any time; and the Resident Committee of the Trustees have the authority to discharge or furlough any patient at any time.

(16.) The said Insane Hospitals shall be maintained and used solely for the care, treatment, and custody of insane patients; no other class of patients shall be admitted.

(17.) A person shall be considered insane, or fit to be sent as a patient to an insane Hospital, who, because of mental derangement, deficiency or defectiveness, is indecent in conduct or constantly troublesome to others ; or who is a menace to the peace, welfare, or safety of others ; or who is dangerous to his (or her) own life or safety ; or who is destructive of property. The mental derangement shall be of longer duration than that of a fit of intoxication or the delirium of acute sickness. Persons who are simply and permanently weak-minded, imbecile, idiotic, or otherwise demented, and are harmless, shall not be received as patients into the Hospitals for the Insane.

(18.) When the wards of the white men or women, or the wards of the colored men or women are crowded, as the case may be, the Superintendent has the authority to decline to receive patients for those departments, and shall reserve the vacancies as they occur for curable or very dangerous patients ; he can, however, exchange harmless patients, if they can be agreed upon with the Judges of Probate and can be cared for in their homes or by the County, for curable and dangerous patients.

(19.) No person shall be received in either Insane Hospital as a patient without the proper hereinafter described paper or certificate from the Judge of Probate of the County in which he (or she) resides, committing him (or her) to the Hospital.

(20.) When a relative, friend, or other person interested, desires to place a person as a patient in the Insane Hospital, he shall apply to the Judge of Probate of the County in which the person resides, and the Judge of Probate, without delay, shall investigate the case, by examining witnesses or not, as he sees fit, and if he is reasonably convinced that the case is a suitable one, he shall make application to the Superintendent at Tuscaloosa for his (or her) admission, and shall accompany his application with as full and explicit answers as possible to the following interrogatories describing the case—giving an answer at each interrogation point:

1. What is the person's full name? Post Office? Weight? Age? Sex? Occupation? Single or married? Color? Where born? Name of correspondents?

2. Has the person been, since childhood, mentally deficient? Or eccentric?

3. Is the person subject to unconscious spells? Or epileptic fits?

4. Can his (or her) present defective mental condition be attributable to the injurious use of alcoholic drinks? Or opiates? Or tobacco? Or other drug?

5. Did the present insane condition begin suddenly? Or gradually? And how long has it lasted?

6. Has the person ever been insane before? How long each time?

7. Has the person, because of mental defectiveness, ever been confined in a poor-house? Or jail? Where was he (or she) ever in an insane hospital as a patient? And when?

8. Is the person easily managed at home? And what means of restraint have been used?

9. In what way does the person's insanity now exhibit itself? and what delusions does he or she hold?

10. In what way is the person troublesome? Or dangerous? In what way is he (or she) indecent or uncleanly? How has he (or she) attempted self-injury? Or to injure others? How has he (or she) attempted to destroy property? How well does he (or she) attend to ordinary work? Or business?

11. What is the alleged cause of his (or her) insanity?

12. What near relatives of the person have been insane on father's side? On mother's side? Brothers of the patient insane? Sisters? Names of relatives in an Alabama Insane Hospital?

13. Is the person deaf? Dumb? Blind? Lame? Maimed in any way? Paralyzed? How much is he (or she) confined to bed? How is he (or she) sick or diseased otherwise than being insane?

14. Will the person be an indigent or paying patient?

(21.) On receipt of the application of the Judge of Probate and the answers to the foregoing interrogatories describing the case, the Superintendent shall promptly forward a reply, stating whether the patient can be received, and to which Hospital he (or she) shall be sent.

(22.) When informed by the Superintendent that the person can be received as a patient, the Judge of Probate shall call witnesses, at least one of them shall be a physician, and fully investigate the facts of the case, either with or without a jury, and either with or without the presence in court of the person whose sanity is in question, according to his discretion; and if the Judge or the jury, as the case may be, believes that the person is sufficiently defective, mentally, to be sent as a patient to the Hospital for insane persons, according to the description heretofore set forth, of who shall be patients in the Insane Hospitals of the State, the Judge of Probate shall make two copies of a certificate, one copy of which shall be filed in his office and the other he shall send with the patient to the Hospital; which certificate shall read substantially as follows:—

I, (A. B.), Judge of Probate of the County of ———, and the State of Alabama, do hereby certify that it having been alleged to me that (C. D.), a resident of said County, is insane, and that his (or her) own and the public welfare demand that he (or she) be sent to the Hospital for insane persons for custody and treatment, pursuant to the statute provided in such cases, I have called before me the following credible witnesses (giving their names) and Dr. ———, a reputable physician, practicing medicine in the State, and having examined them under oath, and otherwise fully investigated the facts of the case, with the said (C. D.) present in court (or not, as the case may be), I do hereby certify that sufficient proof has been adduced before

me (or the jury) to satisfactorily show that the said (C. D.) is insane, and that he (or she) ought to be committed to the Hospital for insane persons for safe-keeping and treatment.

I further certify that satisfactory proof has been adduced before me (or the jury) that said (C. D.) has (or has not) sufficient means to pay his (or her) expenses in the Hospital.

I therefore commit him (or her) to The ——— Hospital, at ———, according to instructions received from the Superintendent, as an indigent (or paying) patient.

Given under my hand at ———, in the County and State aforesaid, this ——— day of ——— in the year ———.

(A. B.), Judge of Probate.

(23.) The Judge of Probate shall depute one or more persons, relatives, friends, or officers, as he sees fit, to convey the patient to the Hospital, and all necessary expenses incurred in conveying an indigent patient to the Hospital, shall be paid out of the County treasury on order from the County Commissioners.

(24.) At the same time that the Judge, or the jury, investigate the degree of mental defectiveness of the person, if adjudged insane, the Judge (or jury) shall also examine witnesses, under oath, as to his (or her) financial standing, and if it appear that he (or she) has not sufficient means to pay for his (or her) support in the Hospital, the Judge shall so state it in the certificate, and the expenses of the patient be paid by the State in the manner hereinafter described.

(25.) If, however, it appear that the patient, in his (or her) own name has the means, or, if a minor, that his (or her) guardian or parents have the means; or if his (or her) relatives or friends agree to provide the means, for his (or her) support in the Hospital, the Judge of Probate shall state in the certificate that he (or she) will be a paying patient; and the Judge of Probate shall contract with responsible parties for the payment quarterly in advance of the amount, charged under the direction of the Board of Trustees, for such patients, and to that effect shall cause a bond with sufficient surety to be made, which bond shall be approved by the Judge of Probate. One copy of said bond shall be filed in the office of the Probate Judge, and another be sent with the patient to the Hospital, and shall read substantially as follows:—

Know all men by these presents, that we ——— and ———, of the County of ——— in the State of Alabama, are firmly held and bound unto the Trustees of the Insane Hospitals of Alabama, in the penal sum of three hundred dollars, for the payment of which we hereunto bind ourselves jointly and severally. Sealed with our seals and dated this ——— day of ———, A. D., 19—.

The conditions of the above obligation are as follows:

Whereas, (C. D.), of the County of ——— in the State of Alabama, is about to be admitted as a paying patient into The ——— Hospital, at ———, Alabama, now if while he (or she) shall remain therein, the undersigned shall constantly supply him with suitable clothing

and pay all charges of said Hospital against him quarterly in advance; and whenever his removal shall be required, immediately remove him; and if he shall escape from said Hospital, pay all reasonable charges incurred in returning him; and if he die therein, pay all reasonable expenses incurred for his funeral; and in case of failure to perform promptly any of the above conditions, pay all expenses that accrue to said Hospital by litigation, collectors' fees, or otherwise, then this obligation shall be void; otherwise it shall remain in full force.

Witness our hands and seals, this — day of —, A. D., 19—.

[E. F.,] (Seal.)

[G. H.,] (Seal.)

I hereby certify that in my opinion, the obligors in the above bond have executed the same in good faith, and that the amount of the penalty specified therein, can be recovered from them by due process of law. In witness whereof I have hereunto set my hand, at —, this — day of —, A. D., 19—.

[A. B.,] Judge of Probate
of — County and State of Alabama.

(26.) The Judge of Probate of each County of the State from time to time at his own instance, and at any time, if his attention is drawn to it by the Superintendent or other party, shall investigate the financial standing of any indigent patient in the Hospital from his County, and if he find him (or her) able to pay for his (or her) support in the Insane Hospital, under penalty of the Superintendent's returning said patient at the County's expense, to his (or her) home or friends, he shall contract with responsible parties under the forms already specified for the support of the patient.

(27.) A Judge of Probate, upon having his attention drawn to it by any party interested, under the penalty of having the patient returned to his [or her] home at the County's expense, shall investigate and cause a new bond to be executed if the present one, securing the support of a paying patient from his County has become insufficient.

[28.] A Judge of Probate can transfer a paying patient who has become indigent, to the indigent class; he shall, however, notify the Superintendent at once, and shall not discharge the bondsmen until after he has learned from the Superintendent that all their obligations with the Hospital have been satisfied to the end of the current quarter.

(29.) The Superintendent is authorized to expend, in the way requested, any funds he may receive from any source, for extra attention, nursing, board, clothing or delicacies, etc., for an indigent or paying patient: provided, in his opinion it does not interfere with the good of the patient, the discipline of the Hospital, or the welfare of the other patients.

(30.) When a patient has been restored to a normal or to a comparatively safe and good mental condition sufficiently long to warrant the opinion on the part of the Superinten-

dent that he (or she) ought to be returned to his (or her) home, or set at large again, the Superintendent shall inform the friends or relatives of the patient's recovery, and if they do not furnish the money to pay the traveling expenses, he shall notify the Judge of Probate of the County whence the patient came, and the Commissioners of said County shall pay out of the County Treasury for the necessary traveling expenses of the return of the patient to his (or her) home in that County.

31. The Superintendent has the authority to grant friends or relatives the permission to remove from the Hospital on trial or furlough, at their expense, any harmless patient whom he thinks it will benefit. Said patient, if necessary, can be returned by friends or others, at any time within six months from the beginning of his (or her) furlough; if at the expiration of the six months the patient has not been returned to the Hospital, he (or she) shall be transferred from the furloughed to the discharged list, and readmission cannot be obtained without the same legal process as if the person had never been a patient of the Hospital.

32. When any patient shall be brought to The Bryce Hospital without the proper committing certificate from the Probate Judge of the County in which he (or she) resides, it shall be the duty of the Probate Judge of Tuscaloosa County, if he be properly informed that the patient can be received into the Hospital, to examine said patient, and if insane, give the proper certificate; and he shall notify the Judge of Probate of the County whence the patient came of the facts of the case, which Judge, if the person is a paying patient, shall cause the proper bond to be made.

33. In the case of a patient who is taken to the Hospital at Mount Vernon without proper commitment papers from the Judge of Probate of the County in which he (or she) resides, any Justice of the Peace convenient to the Hospital, on notice from the physician in charge, that the patient can be received, shall examine said patient after the manner prescribed for Judges of Probate, and if he finds him (or her) insane, shall issue a certificate in the prescribed form and commit said patient to that Hospital; at the same time he shall notify the Judge of Probate of the County whence the patient came, of the facts in the case.

34. In case any person sentenced to or imprisoned in the penitentiary, or sentenced to or confined at hard labor for a County anywhere in the State, becomes insane, the physician in attendance on said convict shall report the fact to the Governor, who shall appoint three suitable persons, one of whom is the said physician, who shall examine said convict and report the result of their examination to the Governor; if said convict is declared to be insane and fit to be sent to the Hospital for insane persons, the Governor shall

direct the proper officer to apply to the Superintendent at Tuscaloosa for the admission of the insane convict into the Hospital, describing the case according to the same interrogatories prescribed for Judges of Probate, and, when notified by the Superintendent that the insane convict can be received, and to which Hospital he shall be taken, the said officer shall send him (or her) at the expense of the State to said Hospital, with a copy of the order of the Governor.

The same compensation shall be allowed to sheriffs or guards for conveying insane convicts to and from the Hospital as is allowed for carrying prisoners to the penitentiary.

35. No criminal or person indicted for crime in the State, who has been declared insane, must be sent to the Insane Hospital until the sheriff or other officer having legal custody of said patient shall have forwarded to the Superintendent a written application and a description of the case according to the form prescribed for Judges of Probate, together with a certified copy of the order of court, or of the judgment under the authority of which the committal is made, and shall have received information in reply, that the patient can be received, and to which Hospital he (or she) shall be sent.

36. When any insane convict is carried to the Hospital, instructions shall always be given to whom his (or her) recovery shall be reported.

When any convict, who is a patient in the Insane Hospital, has recovered, the Superintendent shall notify the proper officer of the fact, who shall immediately remove said patient.

37. The Superintendent, physicians, and all regular employes of either Hospital shall be exempt from militia service, from liability to work the public roads, and from serving on juries.

38. Neither the Superintendent nor a physician of said Hospitals shall be compelled to attend as a witness to testify as an expert in any case, or on any question of insanity or psychologic medicine in the State: provided, he shall certify, in writing, within ten days after the service of the summons, that his absence from the Hospital, in his best judgment, will interfere with his professional duties and the welfare of the patients under his care. But defendants in criminal cases and the State, by the consent of the defendant, and in civil cases, either party, may take the deposition of the Superintendent or of any of the physicians as to all matters involving his or their expert opinion when such testimony is admissible.

39. The Superintendent of said Insane Hospitals has the authority to appoint or to employ one or more suitable persons to act as police officers to arrest intruders, trespassers,

and persons guilty of improper or disorderly conduct on the property of the Hospitals. Said persons shall be charged with all the duties and invested with all the powers of police officers, and may eject trespassers from the Hospital grounds, buildings, or lands—or arrest them, and may, without warrant, arrest any person guilty of abuse of a patient, of misdemeanor, of disorderly conduct, of stealing or injuring property, or other offence committed on the lands or premises of the said Hospitals, and take said person before a Justice of the Peace or other officer charged with trial of such offenders, before whom, upon proper affidavit charging the offence, the person so arrested shall be tried, and if found guilty, convicted as in the cases of persons brought before such a court on a warrant; and said police officers shall have authority to summon a posse comitatus.

40. No public road, rail-road, or other high-way shall be established or continued over or through the lands of either Hospital without the consent of the Superintendent and Resident Committee of Trustees, granted by resolution and recorded in the minutes of the committee.

41. For the support, repair, and improvement of said Hospitals, a sum, regulated by the Board of Trustees, not exceeding three dollars a week, or thirty-nine dollars for thirteen weeks, shall be paid by the State quarterly, on the last days of March, June, September, and December of every year, for every indigent and criminal patient present on those dates in said Hospitals; and the Auditor of Public Accounts shall issue his warrant for that amount on the order of the Treasurer of said Hospitals, when countersigned by the Superintendent; and any balance remaining in the hands of the Treasurer or Steward, on the 30th day of September of every year, shall be placed to the credit of a fund which shall be expended for permanent improvements.

42. The sections from 2544 to 2574, both included, of the Code of Alabama of 1893, shall be and the same are hereby repealed.

